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Explaining backlash to trans and non-binary genders in the context of UK Gender Recognition Act reform

Luke Armitage

Abstract: This paper analyses responses to the 2018 Gender Recognition Act reform consultation in the UK, exploring reasons behind the widespread anti-trans sentiment in this context. It compares the conservative Christian roots of traditional opposition to LGBT+ rights, which is still the major source of anti-trans politics in the US, with the rise in prominence of a specific feminist opposition to trans rights in the last few years in the UK. It then explores why the beliefs of relatively small groups have had such a compelling influence on a wider audience in the general population. It argues that the gendered socialisation we all experience through education, media, and political institutions creates a baseline belief in gender determinism and oppositional sexism, and as many people's main source of information about trans people is the recent surge in related media, a trans moral panic propagated through mainstream and social media easily creates misinformed beliefs about trans issues. A major conclusion of this paper is that trans people have been constructed in the public imagination predominantly in terms of *threat*- threat to investment in gendered norms, threat to one's own gender identity, and for marginalised groups including women and also other LGBT+ people, threat to their own in-group resources and desires for assimilation into mainstream culture. Anti-trans sentiment is therefore not only about ideology, but also has important emotional components that should not be overlooked when considering ways to tackle transphobia.

Key words: trans, non-binary, Gender Recognition Act, moral panic, backlash, transnormativity

Introduction: The Gender Recognition Act (GRA)

The Gender Recognition Act (2004) is the law governing change of legal gender in the UK. Individuals can use the process it sets out to apply for a Gender Recognition Certificate (GRC), which allows the issue of a new birth certificate in their preferred (binary) gender, a change of gender marker with HMRC, and gives the holder some legal protection against disclosure of their assigned gender and trans status. Whilst most aspects of social transition, including changing the gender marker on driving licences and passports, can be accessed through self-definition or a letter from a single medical professional, a GRC is the only way to change your legal gender. This legal gender change is required for a trans person to get married in their preferred gender, and for those old enough to not be affected by the future equalisation of pension ages, to collect their pension at the age relevant to their preferred gender. To be awarded a GRC, an individual must apply to the Gender Recognition Panel with two years' worth of evidence that they have been living in their preferred gender, including multiple medical reports. This process has been criticised as too lengthy,

expensive, and medicalised (Sharpe, 2007; Stonewall, 2018). Thus, the UK Government held a consultation regarding potential reform to this act, from July to October 2018 (Government Equalities Office, 2018). Many trans groups and campaigners called for the act to be replaced by a self-declaration system that includes the option of non-binary genders.

During and after this consultation, there was a significant backlash to trans and non-binary people, with hostility constantly expressed in traditional and social media (Cliff, 2019). Forms this took included the incitement of fear around trans women using women's facilities (e.g. Kerr, 2017; Turner, 2018), as well as mainstream newspaper opinion pieces explicitly denying the validity of trans identities and instead claiming trans people to be predators and/or mentally ill (e.g. McKinsty, 2018). One anti-trans social media campaign successfully convinced the Big Lottery Fund to review their grant to the charity Mermaids, which supports trans children (Persio, 2018); as the claims against Mermaids were found to be baseless, the funding was ultimately upheld (Persio, 2019). The anti-trans media commentary was so pervasive that it was cited as a contributing factor to the demotion of the UK from first (in 2014) to fourth place (2018) in the Rainbow Index, a ranking of LGBTI equality in European countries (International Lesbian, Gay, Bisexual, Trans and Intersex Association- Europe, 2018). The backlash also included a concerted effort by campaigning groups to encourage people to submit anti-reform responses to the consultation, as well as responses that advocated revoking some existing rights of trans people (Fair Play for Women, n.d.; Woman's Place UK, n.d.). It is important to note that contrary to claims by these campaigners against GRA reform, in other countries where the process for legal gender change is self-declaration, such as Ireland, this has not caused issues such as increased sexual assault in (women's) bathrooms (Duffy, 2017).

This article aims to explore the origins and motivations behind this backlash. It compares what could be considered 'traditional' opposition to trans and wider LGBT+ rights from conservatives and religious groups, with the specific anti-trans sentiment from some feminists that has been particularly prominent in this context in the UK. It then discusses why these ideas that may seem to originate in relatively small groups of people have apparently had such a large influence on the general public. It looks at the ways in which trans identities and people have been positioned as threat, including threat to gendered norms, threat to one's own gender identity, and threat to the rights and potential mainstream assimilation of other marginalised groups.

'Traditional' opponents of trans rights

Religion and 'gender ideology'

To begin to set the scene of the current debate, it is worth outlining the influence of religion, and Christianity in particular, in opposition to LGBT+ rights and the origin of this in the construction of the gendered social and family roles on which much of Western society has historically been based (e.g. Elshtain, 1993). Whilst Christianity does not inherently necessitate inequality, certain interpretations of it have been instrumentalised by people in power to justify oppressive laws. This is perhaps exemplified by the weight and credibility given to religious opposition to LGBT+ rights campaigns, such as claims that allowing same-sex marriage would undermine or threaten 'traditional' (heterosexual) marriage (Busch, 2011; McLean, 2017).

This Christian perspective considers dichotomous gender roles- as determined irrefutably by assigned sex- to be dictated by God as truth, and thus movements which advocate gender equality and freedom are deemed a 'gender ideology' which aims to intentionally deny reality and go against God (Butler, 2019). This ideology is thought to threaten values considered 'natural' by the Church, including the hierarchical gender binary (ibid).

The term 'gender ideology' appears to have originated in right-wing Catholic groups that oppose the use of the word 'gender' in governmental documents and policies, beginning with the first use in an inter-governmental negotiation document at the 1994 Cairo International Conference on Population and Development (Corrêa, 2017). These anti-gender groups instead favour use of only 'sex' as the important and apparently natural and binary distinction between men and women, which forms the basis of the traditional family and its associated values. Although originally associated with Catholicism, anti-gender campaigns are supported by various other religious and secular groups, with the latter connected to these ideas through a belief that non-normative families and queer identities contradict the Darwinian laws of nature, rather than divine law (ibid).

Thus, opposition to trans rights in many places, especially the US, has come to be primarily associated with the Christian right (Anderson, 2014; Stone, 2018). Other countries where anti-gender and associated anti-trans ideas are prominent include parts of Latin America such as Brazil, as well as parts of Europe, particularly but not exclusively in primarily Catholic places such as Italy, Spain, and Poland (Corrêa, 2017). In contrast, this article will go on to explore why this does not seem to be the case in the current UK context, where there is strongly mainstream anti-trans sentiment, especially from some feminist groups whose other ideas would seem to completely contradict the conservative hierarchical sex roles advocated by anti-gender groups. I will first delineate the gendered social context, indeed influenced by our religious history, that we all continue to be socialised into through our educational, political, and media institutions. This will demonstrate how the societal reification of gender determinism creates a baseline position in the general public that predisposes them to see trans people as unintelligible and unnatural.

Gendered socialisation and the reification of gender determinism

To establish this gendered social context, I will bring together the work of several gender theorists in order to give an account of the process through which transphobia ultimately arises from the same social structures that naturalise misogyny and homophobia. Firstly, the concept of hegemonic masculinity (Connell and Messerschmidt, 2005) holds that the socially privileged gender performance is an idealised type of masculinity that sits at the top of a gender hierarchy, and is placed in opposition to femininity. I will subsequently refer to this as *classical masculinity*. The exact nature of classical masculinity depends on what is valued by each society. In the current Western context it includes traits such as physical strength, unemotional rationality (contrasted to feminine ‘hysteria’), competitiveness and success, and also privileges whiteness. Importantly, a vital element of classical masculinity is heterosexuality, and thus normative gender and sexuality are inseparable (Butler, 1999); attraction to (only) women is seen as inherent to being a man. Thus, gay masculinity is a salient example of a subordinated masculinity within the gender hierarchy. As such, it joins femininity as a group whose marginalisation is necessary to the maintenance of hegemonic masculinity as a social structure, and the privileges it confers to the classically masculine.

Any deviation from normative gender performance can therefore not be allowed to thrive, as this would be threatening to the dominance of hegemonic masculinity. Thus, gender non-conformity (seen to include homosexuality, trans identity, non-stereotypical gender performance) is punished by other people in what has been termed *category maintenance work* (Davies, 1989), preserving and reifying a male/female dichotomy. Men, in particular, may violently punish non-conforming others because they are afraid of failing to be seen as classically masculine themselves, and thus losing the cultural capital (Bourdieu, 1986) this gender status gives them. Feeling that their own gender identity is threatened, they discriminate in order to differentiate themselves (from the feminine and/or homosexual) (Falomir-Pichastor and Mugny, 2009; Pascoe, 2007).

Gender-based discrimination can therefore be targeted at anyone who does not meet classically masculine standards, and thus can involve both or either traditional sexism, which devalues femininity and femaleness, and oppositional sexism (as coined by Serano, 2007, 2013). Oppositional sexism is the idea that there are only two genders, male and female (also called *binary genderism*; Nicholas, 2019), which are unchangeable and mutually exclusive. This idea delegitimises gender non-conformity and non-binary genders. This position also tends to incorporate gender determinism, which essentialises (binary) gender differences as inevitable consequences of biology (Serano, 2007, 2013), and thus delegitimises trans experiences. Much of this continues to tally with the traditional Christian position described above.

Given that there is objective evidence both of the biological existence of more than two sexes (Ainsworth, 2015) and of the recognition of more than two genders in many cultures across history (Richards et al., 2016), it may not be immediately obvious why binary genderist ideas are so widely and defensively held. However, an answer can be found using a Foucauldian perspective of power (1972, 1980), in which

several different discourses exist, but only one is dominant and thus constructed as ‘truth’. By operating productively and *constructing* subject in its bounds, its nature as a discourse is invisibilised and it comes to be seen as natural and true rather than just one perspective. Regarding gender identity, it is gender determinism and oppositional sexism that constitute the dominant discourse, and thus trans and non-binary identities are constructed as outside of truth- and are socially responded to as such. This construction of only cisgender (non-trans) discourses, and their material embodiment in cisgender *people*, as legitimate has been referred to as *cisgenderism* (e.g. Bartholomaeus and Riggs, 2017). Trans and non-binary bodies and identities cannot be coherently categorised under binary cisgender norms, making both trans discourses and, importantly, the people who they are embodied in, culturally unintelligible (Butler, 2006) to mainstream society. Thus, the freedom with which many cisgender people feel they can oppose trans rights is potentially contributed to by an empathy gap created by the abstraction of trans as a concept from actual trans people, who are not fully conceptualised as human due to this cultural unintelligibility. Trans is positioned as merely an idea, rather than the real cognitive and embodied experience of actual people.

Trans and non-binary people are further disconnected from their full personhood by their primary construction through a cisgenderist lens as pathology, and the dominance of medical narratives that focus on safeguards and transition only as a last resort. This disconnection is exacerbated by the fact that academic narratives mostly position trans and queer people, especially youth, exclusively in terms of victimhood and of needing help (Bryan and Mayock, 2012). This is problematic because it restricts the discourses that both trans people themselves, and cisgender people who respond to them, have access to, thus normalising suffering and invisibilising positive possibilities and agency (ibid). It also may reinforce the common approach of locating the problems faced by trans people within the individual trans person themselves, for example focusing on resilience or internalised transphobia, rather than within societal cisgenderism and systemic transphobia, or in the attitudes of others. As previously argued (e.g. Nicholas, 2019), responsibility needs to shift to the latter, potentially through a combination of deconstructing norms and developing *allophilia*, meaning actively positive attitudes towards differences and the other people that these differences are embodied in (ibid). This allophilia may also encourage bridging of the empathy gap through a focus on the humanity of trans people and how one relates to them as individuals, rather than the theoretical abstract concept of trans identity.

The feminists opposed to trans rights

Now that the gendered social context (into which the GRA reform consultation was introduced) has been established, the specific group and ideological position from which the majority of opposition to reform appeared to come can be considered. The most vocal opponents of GRA reform are anti-trans feminist groups, often called ‘Trans Exclusionary Radical Feminists’, or TERFs. It may initially be considered surprising that people identifying as feminist, and otherwise as advocates of social

justice, would strongly oppose the rights of trans people, a marginalised group. I will therefore seek an explanation first by exploring the context in the history of feminism, and then by highlighting the emotional and psychological responses that lie behind feminist anti-trans sentiment.

Primarily, the main TERF argument is that trans rights are a threat to (cisgender) women's rights, as they do not see trans people as their self-defined gender, but rather as the one they were assigned at birth (R. Williams, 2019). They therefore seek to exclude trans women from women-only spaces and services, on the premise of protection from 'men'.

This comes down to a fundamental disagreement about the definition of a woman, and who can be one. This question has been an important part of feminist thought for decades, with a major split in the 1970s (Hines, 2018). The TERF side of the schism follows older¹ feminist theories that consider the definition of woman to be solely based on biological physical characteristics traditionally considered female, such as the vagina, ovaries, and uterus- and the way that these and the 'female' reproductive capacity have historically been utilised by men in the oppression of women.

Many TERFs reject the gender determinism that is advocated for by both the religious view and the gendered socialisation explored in the previous section, and they claim to do so in the name of feminism. However, they still rely solely on one specific version of social constructionism, ignoring other theoretical developments and more nuanced understandings of gender and womanhood. Ideas are taken from an existentialist social constructionism, as put forward in classic theoretical works such as de Beauvoir's 'one is not born, but rather becomes, a woman' (1997 [1949]) – which establishes a separation between (biological) sex and (socially created) gender (Butler, 1986). Whilst de Beauvoir can be interpreted as not inconsistent with the idea that sex is also socially constructed, the TERF interpretation uses the sex/gender distinction to claim that regarding women's oppression, being assigned the female sex at birth is the only determinant factor in who experiences misogyny, whereas gender is entirely (or 'just') socially constructed and thus unimportant. This can be seen in discourse produced by modern TERFs, for example, 'To be a "woman" is to have been *assigned* the girl/woman social position from birth; subjective identification with that social position is irrelevant and varies wildly' (Hungerford, 2013). This view has also been termed 'gender artifactualism' (Serano, 2013), meaning the belief that gender is entirely a social artefact (and thus assigned sex is primary). Whilst it is commonly argued as a counter to gender determinism, it is problematic in its own sense, and has for example been used to justify forcing children with ambiguous or damaged genitalia to conform to a specific binary gender role (potentially despite their own gender identification), in the belief that this socialisation will lead them to become the externally chosen gender- as in the now relatively infamous John/Joan case (Butler, 2006).

On the other hand, the trans-inclusive side of the split comes from challenges made in the 1970s to the primarily white, non-disabled, heterosexual, and otherwise privileged mainstream feminist movement- challenges to the ability and appro-

¹ Whilst these were early feminist ideas, it is also important to acknowledge that there have been feminists contesting biologically essentialist definitions of sex/gender for quite some time, and that there is in no way a neat generational split separating 'old' and 'new' ideas.

priateness of a privileged subgroup of women dictating the interests of all women (Hines, 2018). The biologically (based on assigned sex) determined definition of womanhood, used to regulate who was allowed into the category of women, was criticised as exclusionary and as being used to justify inappropriate and discriminatory policing of some bodies in order to ‘verify’ their gender- particularly women of colour, gender non-conforming women (which especially affects queer women), and intersex women (ibid). This gender policing, based on physical characteristics and assumed biology, persists today in affecting not only transgender women but also non-normative cisgender women. This is evidenced, for example, by the case of the athlete Caster Semenya, a cisgender and intersex woman, who after her 2009 World Championships win, was subjected to public scrutiny and sex verification tests due to her apparently ‘masculine’ appearance. Ten years later she is still having to legally fight regulations that would require her to medically reduce her testosterone levels before being allowed to compete again (Ingle, 2018; Press Association, 2009). Despite being a cisgender woman, she is considered by gender determinists and feminist gender artifactualists alike to be too masculine to fairly be in the female category, and so is excluded for the sake of other, more normative women.

In contrast to notions of gender and womanhood that seek to maintain dichotomous sex categories, trans-inclusive and otherwise intersectional feminisms use more holistic definitions that encompass more heterogeneous gender identities and embodiments. Judith Butler (2019), for example, combines the aforementioned existentialist view of social constructionism with the later institutional interpretation; the latter highlights that sex (and not just gender) is assigned, and thus is constructed at least partly by the institutional systems of power that dictate how this assignment is made. Sex is not binary or immutable, and whilst it is partly determined using biology, even different medical professionals may choose different, often contradictory, indicators for sex assignment (i.e. chromosomal sex may differ from hormonal sex, within a binary male/female framework).

Thus the determinants of both sex and gender are more complex than simply immutable natural truth or insubstantial social construction, and involve the interaction of biological information with historical and social contexts, as well as individual experience. Indeed, the distinction between sex and gender has long been contested (e.g. Stanley, 1984); if one accepts that sex is not simply innate and assignment is affected by social norms and institutions, there is no longer the same need to create a separate concept (gender) to represent the social aspect, and doing so can actually serve to reify sex as a natural truth. With this understanding, self-identification as primary marker of sex/gender follows from the political freedom and bodily autonomy historically advocated for in other respects by feminists, and allows each person to safely live as their sex/gender, however they personally believe that that sex/gender has been determined (Butler, 2019). In contrast to this however, returning to TERF arguments, in their opposition to GRA reforms these groups were using crude separations of sex and gender that few contemporary gender theorists still use.

Alongside this question of the nature of gender and womanhood, a second question has similarly divided UK feminists: whether to include men in feminism and work with them, or actively oppose them. It has been suggested that the historical choice of mainstream feminism to use tactics of negotiation with men may be con-

tributing to sentiments of some radical feminists today, who favour the alternate separatist route and may believe that much of the ongoing contemporary sexism and misogyny could have been prevented had their more aggressive tactics been followed (Kalayji, 2018). Given that they also see trans women as men, due to gender determinist and/or gender artifactualist beliefs, many consider the notion of trans inclusion, particularly the idea of considering trans women to be women and allowing them into women-only spaces, to simply be yet more pandering to men and exploitation of women's compassion, which will be used against them and further delay prioritisation of (cisgender) women's liberation (ibid). This concern about prioritisation can be seen in the rhetoric produced by these individuals and groups, for example an article entitled 'Trans rights should not come at the cost of women's fragile gains' (Ditum, 2018). The language here has been chosen in order to present women's rights and resources as precarious, and to encourage anxiety in readers about these being threatened and potentially lost- as well as positioning trans rights as inherently contradictory to women's rights and thus a source of this threat.

Thus we can see that the TERF anti-trans position is based not just on theory or ideology, but also in an emotional response to anxiety about exploitation by men and the continuation or even expansion of the threat women face from misogyny (Kalayji, 2018). This anxiety and defensive anger should be contextualised with the historical trauma that women undoubtedly have suffered from men and male-dominated society (e.g. Griffin, 1971), and often the personal trauma individual women involved have experienced at the hands of men – though unfortunately their concern is ultimately misplaced in trans people rather than institutional problems of hegemonic masculinity and patriarchy.

This understanding, that TERFs view the idea of being trans as non-sensical, and as simply a ploy used to take advantage of women's liberation movements, may help to explain the apparent lack of sensitivity or compassion with which these groups often deny the negative effects of transphobia and difficulties trans people face, for example questioning the accuracy of trans suicide attempt statistics, including those for children and youth (4thwavenow, 2015; Transgender Trend, 2017).

Social psychology can be applied to further explore the emotional nature of this feminist anti-trans response. Firstly, it can be analysed with reference to in-group and out-group behaviours; it has been well established that people generally display a preference for their own in-group over members of the out-group (Everett, Faber and Crockett, 2015). In this context, and used alongside Butler's (2006) idea of trans and non-binary people as 'unintelligible', this could suggest that a cisgender person would psychologically prefer other cisgender people over trans people.

This preference would require cisgender people to consider their identity as such to be a marker of their social identity, sufficient to form an in-group distinct from a trans out-group. At least for TERFs, it does seem that they find it important to distinguish themselves from trans people, including in their communication and group-forming with others; for example, 'women born women' is one term that has historically and is still commonly used to make trans-exclusion from groups and events clear (e.g. Kaveney, 2012). This has been leveraged even more strategically and aggressively by feminists using the slogan 'adult human female' to describe cisgender women- with the use of 'female' used to highlight their emphasis on (what

they consider to be) biological sex. This slogan has been used as part of the anti-trans and anti-GRA reform campaign, including in being printed on t-shirts placed on public statues and monuments (Farell-Roig, 2019) and on billboards (BBC News, 2018). In addition to this demonstration of the importance placed on distinction between trans and cis, there is good evidence that gender identity is a strong factor in the formation of social identity (Madureira, 2012), and even especially so for feminists (Burn, Aboud and Moyles, 2000) - and this may be the more important factor here than the cis/trans distinction, given that TERFs see cisgender women as women, but trans women as men.

However, this preference alone cannot fully explain the aggression and negative emotionality with which some cisgender people (including TERFs) react to trans people, including in their response to proposed Gender Recognition Act reform. Whilst it has been shown that in-group preference is generally the primary motivator, rather than out-group hostility (e.g. Brewer, 1999), beliefs about the relationship between groups, and particularly the implications that may affect the in-group's own resources and welfare, affect how members of the in-group feel about a specific out-group (Brewer, 2007). This can be linked to the threat that we have seen that TERFs believe trans women pose to women's 'fragile' (Ditum, 2018) resources and wellbeing, including in redirecting liberation work away from the interests of (cisgender) women, as well as the believed threat of trans women 'infiltrating', and thus removing the purpose and safety of, women's spaces. Thus, they have particularly hostile attitudes towards the out-group, trans women in particular. The fear of this apparent threat is fuelled by claims that trans women are men who are likely to sexually assault cisgender women in women's only spaces (which has been proven false; e.g. Hasenbush, Flores and Herman, 2018). This anxiety is also heightened by sensationalism in the media about trans women potentially being emboldened to enter women's bathrooms due to GRA reform, when in reality trans people already often use the bathroom that matches their self-identified gender, as is their legal right under the Equality Act 2010.

Furthermore, the psychological concept of *distinctiveness threat* can be applied. It is suggested that people who place strong importance on a particular in-group as part of their personal identity are more inclined to want to create and keep the distinction from the out-group (Matthews et al., 2018), and may feel threatened when the boundaries of this group are blurred, as they feel the uniqueness of their personhood is threatened (Broussard and Warner, 2018). Thus, those people who strongly believe in binary genderism, and in the essentialism of their own gender (or primacy of their assigned sex), will be motivated to protect the apparent boundary between binary genders, and thus oppose the idea that other people can legitimately 'change' genders or be non-binary.

It has been demonstrated empirically that cisgender people, especially those who strongly invest in oppositional sexism and whose own identity strongly relies on their gender, feel gender distinctiveness threat in response to transgender and gender non-conforming people, and report liking these groups less (Broussard and Warner, 2018). The greatest threat was felt regarding gender *conforming* binary trans people (for example a masculine trans man), likely because their ability to 'pass' as their gender despite being assigned differently at birth threatens the distinctiveness a cisgender person feels regarding their own identification with that gender (ibid).

This may help to explain why anti-trans feminists, who hold their womanhood as a very important part of their identity given their historic investment in women's liberation, feel particularly threatened by the idea that someone assigned male at birth could, in their view, simply 'become' a woman by 'choice'. They see it as an intentionally malicious choice used to further exploit women, and to take advantage of the few resources that women do have within a patriarchal society. This comes in the context of their aforementioned beliefs about the primacy of sex assignment in the determination of who is a woman, and who is consequently oppressed through misogyny.

Returning to the concern over the in-group's resources, it seems likely that the lower level of societal concern expressed over trans men, compared to trans women² is (at least in part) related to the aforementioned perception of precarity of women's rights and protections; men's resources are not so easily threatened, given their dominance in the societal gender hierarchy, and women are still a marginalised group in comparison.

Explaining the compelling influence of anti-trans rhetoric within the general public

However, another important feature of the backlash to trans and non-binary identities is that these strongly and emotively negative responses have not been restricted to the (relatively small) TERF groups. On the contrary, anti-trans sentiment has been a mainstream position in the UK surrounding the GRA reform consultation, and this has been made abundantly clear across traditional and social media (Cliff, 2019). In this section, I will explore potential ways that we can understand why anti-trans rhetoric has had such a strong and widespread influence in this context. The baseline position from which the majority of the general public are likely to approach trans issues, which they often have little experience with, is strongly influenced by the gendered socialisation discussed earlier, which reifies gender determinism and positions trans identities as unnatural and unintelligible. The concept of trans identities was then suddenly brought to the fore in the public imagination, and predominantly in a negative way, in a trans moral panic propagated through mainstream media, particularly centred around the GRA reform consultation. Given that this was often the first or main source of information about trans people that many cisgender people received, it is understandable that the threat rhetoric and misinformation was easily received and believed. I will explore and evidence this trans moral panic, and then demonstrate how trans people have come to be seen as a personal threat in a multitude of ways: to a person's investment in gender norms; to their own gender identity; and, for marginalised groups including women and other LGBT+ people, to their own in-group resources and desires for assimilation into the mainstream.

2 As evidenced both theoretically through the concept of transmisogyny (Serano, 2007), and practically as the majority of anti-trans media specifically targets trans woman (Serano, 2009) and the majority of trans people murdered globally and recognised at Transgender Day of Remembrance each year are trans women (Duffy, 2018).

For many, sentiment aligned with traditional opposition to LGBT+ (and women's) rights, rooted in a perceived threat to a deeply held investment in a societal gender hierarchy and in the unintelligibility of trans people within this gender structure, is simultaneously held with aspects of feminist and progressive sentiment. For some, there appears to be a genuine desire to support the rights of marginalised groups, combined with the essentially unavoidable life-long socialisation into the gendered social structure, and having not actively deconstructed this socialisation. This combination can result in an under-emphasis on the humanity of trans people, and an over-emphasis on threat to cisgender people. For example, centre-left British newspaper *The Guardian's* editorial on the GRA (2018) ran the headline 'where rights collide', and claimed that the writers supported both trans and women's rights but that they clashed; yet, their response to this apparent clash was to simply cite common TERF talking points such as trans women threatening cisgender women's safety. This editorial was considered sufficiently transphobic that even the writers' colleagues at the US Guardian published an article to oppose it (Levin, Chalabi & Siddiqui, 2018).

However, there also appears to be cases of completely traditional opposition disguised as feminism or progressivism. For example, an article in the right-wing UK newspaper the *Daily Express* (McKinstry, 2018) claimed to be concerned about trans rights 'hurting women and girls', but the root of the opposition to trans rights was made clear by the choice of language about trans people, such as 'demented', 'madness', and 'bent on the subversion of humanity'. The statement that trans people are 'making a mockery of biological science' is not only scientifically inaccurate (Ainsworth, 2015; Richards et al., 2016), but reveals the author's true concern as perceived threat to gender determinism and oppositional sexism, and particularly what he considers natural and normal regarding gender.

Trans moral panic

It is not new that the media has propagated (often harmful) stereotypes of trans people, but the role of the media in creating cisgender people's perceptions of trans people has only got stronger and often more problematic since 2007 when Julia Serano discussed it in her canonical work *Whipping Girl*. Whilst it is true that increased diversity of media sources has allowed for some more positive representations (McRobbie and Thornton, 1995) of trans people, in recent years the combination of traditional and social media has created an almost inescapable moral panic about trans people. This only intensified in response to the UK Government's public consultation on Gender Recognition Act reform, with almost daily anti-trans news and opinion pieces published in mainstream media in the months leading up to the close of the consultation, and continuing afterwards (Cliff, 2019; Dommu, 2018).

Considering the cultural unintelligibility of trans people and their construction as threat in the public imagination, as already outlined, it is perhaps unsurprising that they have been an easy target of a moral panic, with the prospect of Gender Recognition Act reform used to give the panic urgency and to encourage a wider

base of (cisgender) people to feel threatened by a group they had previously given little thought to. Many aspects can be identified in terms of original conceptualisations of moral panic (e.g. Cohen, 1972; Thompson, 1988), including the intentional exaggeration and distortion by mainstream media of the apparent threat. The common (mis)use of sex(uality) to play to cultural anxieties and exacerbate the panic, as previously highlighted by Rubin (2011), is evident in the construction of trans women in particular as likely sex offenders in women's spaces (Topping, 2018), and in the panic around gender neutral bathrooms as sexualised, and as an apparently likely site of sex crimes (Perry, 2014), despite there being no evidence of these being issues (Hasenbush, Flores and Herman, 2018). Whilst trans identities are no more inherently sexual than cisgender ones, they are constructed as such in a similar way to the over-sexualisation of queer orientations compared to heterosexual ones (Serano, 2009). Whilst cisgender and heterosexual identities are invisibilised by their nature as the dominant societal discourse (following the theory of Foucault, 1972, 1980), LGBT+ people and identities are made ultra-visible by their deviance from the expected narrative and thus are seen as inappropriate for mainstream settings, especially for children (Renold, 2006).

Following Rubin's (2011) argument that sex-related moral panics serve to distract from other social problems, especially financial exploitation of the majority population by the rich minority, it is likely pertinent that this trans moral panic has risen to the fore and attracts a huge amount of media attention at a time of austerity and ever-rising poverty in the UK. This extreme poverty is evidenced by a United Nations report that, amongst other findings, condemned "child poverty rates of as high as 40%" as "not just a disgrace, but a social calamity and an economic disaster" (Alston, 2018, para. 2). The aim of population anxieties and anger is, arguably intentionally, misdirected from the government and the rich, onto an already marginalised group who are an easy target given their existing cultural unintelligibility. The moral panic only exacerbates this dehumanisation of trans people, and also the personal threat that many cisgender people feel.

Within this austerity context there have been severe cuts to social and healthcare services, including those that specifically serve women such as women's refuges. The consequent paucity of resources, disproportionately affecting women (MacDonald, 2018), creates an atmosphere of tension and competition, in which the threat to women's (in-group) resources is easily misattributed to the vulnerable group of trans women. The fear of this threat is demonstrated in anti-trans feminist discourse, for example in an article claiming that women's rights are 'hanging by a thread' (N. Williams, 2019), attributing this to 'changes in transgender law'. This distracts from and prevents accurate location of the genuine threat as governmental economic choices. The UN report stated that these cuts have not been due to economic necessity, but rather a political decision with the aim of 'achieving radical social re-engineering' (Alston, 2018, para. 7). The heightened threat felt to the in-group of women takes focus and deters intersectional analysis of the situation, which would place trans women and particularly trans women of colour as especially marginalised and in need.

Furthermore, the use of children has been an important theme in anti-trans rhetoric, including with regard to sexual threat and anxieties. Trans children are constructed as not truly trans, but rather as exploited and misled by a trans 'agenda'.

Cisgender children are seen to be threatened by both trans children and adults, particularly within gendered spaces, and also by mere knowledge about trans people and identities (Shannon and Smith, 2015). This is made apparent in news headlines such as ‘Children sacrificed to appease trans lobby’ (Turner, 2017), again with language intentionally chosen to distort the truth and encourage readers’ anxiety and feelings of threat.

As in many other contexts, here the idea of the Child is used as a concept, constructed as an ideal, innocent, singular representation of children (e.g. Burman, 2008), with this idea of childhood innocence being an ongoing legacy of the Romanic period (e.g. Austin, 2003). Anything related to sex is considered to be a threat to this innocence; we can see this reflected in claims that society must ‘protect’ children from trans people, for example by restricting the latter’s access to gendered bathrooms, where they are seen as a sexual threat. This idea is explicitly shown in the aforementioned McKinsty (2018) article, which claims that trans people are ‘ruining the innocence of childhood’. However, the ideal Child of course does not reflect reality, and is an abstraction that distracts from the truth of heterogeneity in children and childhood experiences, which in actuality include trans and queer experiences.

Here it is possible to apply Burman’s (2018) notion that the idea of the ‘innocent’ child and their beliefs is used as a stand-in, to allow adults to hold false beliefs whilst simultaneously claiming to understand the objective evidence that opposes those beliefs. For example, the belief that trans people threaten the safety of gendered spaces persists despite strong opposing evidence (e.g. Hasenbush, Flores and Herman, 2018), and the image of an upset or confused child confronted with a visibly trans person in a public bathroom has been prominent in propagation of this belief. Additionally, it is a common refrain in objections to trans people openly and visibly transitioning that it is a problem because children will not be able to understand and it will confuse them. As there is evidence that even young children can understand trans-ness and gender identity (e.g. Ryan, Patraw and Bednar, 2013), this suggests that it is the adults repeating this refrain that take issue with trans people, but that they attempt to mask this by locating the source of the false belief as within the child.

I would argue that much anti-trans rhetoric has also used the (cisgender) Woman as an abstract singular concept in a similar manner, constructing her ultimately as a misogynistic archetype. She is vulnerable and in need of protection, and is defined by her genitalia and reproductive capacity. This is evident in the language and tactics used by groups campaigning against GRA reform, for example specifically approaching men to say they need to ‘protect their daughters’ (Fair Play for Women, 2018).

This singular idea of women again distracts from the reality of a heterogeneous group. Such rhetoric creates a public perception that all (or most) women are threatened by the potential GRA reform, and are (or should be) opposed to it. This distracts from the reality that a significant amount of feminists, and the majority at least of those who value intersectionality, hold trans-inclusive beliefs (Serano, 2018). The use of misogynistic tropes in their rhetoric also betrays the true nature of many of these anti-trans campaign groups; it has been evidenced (e.g. Serano, 2018) that this single issue ‘pro-woman’ stance often originates from far-right appropriation of the feminist cause, as a more socially palatable front for their anti-trans (and generally anti-minority) agenda.

Despite this origin, many women and others who would otherwise oppose anti-equality campaigns have been drawn in to the anti-trans cause, perhaps for reasons that this article has outlined; the gap in knowledge and empathy left by social exclusion of trans narratives is filled with the misinformation of a moral panic, and the threat that (cisgender) people (are encouraged to) feel both to their own gender identities and to women's resources that have been left precarious by funding cuts and austerity.

This recruitment of otherwise pro-equality individuals to the opposition of trans rights indicates that an intellectual desire for equality and tolerance may be insufficient to cause a person to support the liberation of a marginalised group; there are also emotional factors at play, and for cisgender people when considering trans people, these factors are often based in feeling threatened, whether that threat is to their identity, group resources, or heavily socialised beliefs about gender. This may help to explain why Barbara Risman's (2018) research with cisgender millennials found that they were mostly 'straddlers', holding a combination of conflicting ideas as they both supported self-determination and tolerance, but also held a commitment to binary genderism and thus felt personal threat when this was challenged by trans and non-binary identities. Thus, the often advocated intervention to transphobia and gendered prejudice of simply teaching 'gender intelligence' (Nicholas, 2019) or similar, meaning information about gender diversity and tolerance, may not be enough. Whilst giving people information about marginalised groups and their needs does work for some in reducing prejudice, it does not fully address the opposition that comes from and with an emotional response to perceived threat.

Intra-community opposition and transnormativity

The opposition to non-binary genders may ultimately come from the same structures of hegemonic masculinity and oppositional sexism that underlie backlash to binary trans people, but there are also differences that can help us to understand it specifically. Whereas binary trans people are seen to threaten established male and female categories, non-binary genders are seen as an attempt to 'create' new gender categories. To different people and in different contexts, this distinction may affect the perception of non-binary (as compared to binary) trans people in either positive or negative ways. On the one hand, these 'new' non-binary categories are seen as inherently less legitimate than the reified binary genders, and thus to some people may actually be seen as less of a threat. Some groups may hold less strong opposition to non-binary genders than to binary transitions because non-binary genders are not seen to hold the same weight as binary genders. Instead, they are thought of as tolerable, as merely 'identities' that do not really challenge or negate the non-binary person's 'real' assigned (male or female) sex/gender. For example, one blog author writes, 'So you want to call yourself a genderqueer femme presenting demigirl, you go for it. Express that identity however you like' (Reilly-Cooper, 2016). However, she makes it clear that this is only tolerated when no 'political claim' is made on the basis of that non-binary identity; she strongly opposes 'when [non-binary people]

insist that these cis women have structural advantage and political privilege over [them]’.

The framing of non-binary genders as merely identification without weight can also be seen in research studies such as Whyte, Brooks and Torgler (2018). The purpose of this study is specifically to investigate demographic factors of non-binary people, but assigned sex is used uncritically to denote each participant’s ‘sex’, used firstly as a comparative factor and also deferred to in descriptions of participants’ sexuality. A non-binary person assigned male at birth is considered to experience ‘same-sex attraction’ if they are attracted to men, regardless of self-identified sexuality.

On the other hand, there is some evidence of increased discrimination and negative outcomes for genderqueer people compared to binary transgender people (e.g. Harrison, Grant and Herman, 2012). One potential explanation for this may relate to the common perception of non-binary people and genders as an intermediate group (between male and female)³, which may increase the negativity of some responses towards them. This has been suggested to be true for other intermediate groups, specifically bisexual and biracial groups, who were perceived more negatively than gay or straight people or monoracial people respectively (Burke, 2016). This was attributed to ideas of illegitimacy and instability; intermediate group individuals were seen to have less real identities, which resulted from confusion (ibid). The finding that these negative perception effects were stronger in participants who strongly identified with a privileged ingroup (ibid) could also theoretically be applied to cisgender people who strongly invest in oppositional sexism, who would also likely feel threatened if forced to acknowledge ambiguity and therefore overlap between themselves and the outgroup of trans and non-binary people.

Furthermore, in addition to cisgender opposition, non-binary genders also receive criticism from some binary trans people. A starting point for explaining this is the idea that when one specified group is permitted entrance into mainstream social norms, the definition of this group must have boundaries and thus a *constitutive outside* (Butler, 1999) always remains. Thus, just as allowing a certain type of (generally white, middle-class, cisgender) gay identity some acceptance in the mainstream inherently excludes LGBT+ people who do not fit this specific narrative, the campaign to allow a strictly defined group of transgender people entrance into normative society (through gatekeeping institutions and laws such as the original 2004 Gender Recognition Act) inherently leaves trans people who do not fit this narrative, including non-binary people (who have no legal recognition), as the constitutive outside (Harris, 2012).

The entrance of only ‘respectable’ gay people into normative society, through existing institutions such as marriage, and only in ways that do not challenge systemic heteronormativity, has been termed *homonormativity* (Duggan, 2003). The roots of homophobia remain intact, with gay people merely tolerated (Nicholas, 2019), and tolerated only if they are otherwise normative neoliberal subjects. This plays into the ways that the identity recognition aspects of liberation movements have

3 Non-binary people are commonly perceived as being somewhere between male and female, despite the fact that this is untrue for many in actuality, who may for example be agender or otherwise identify their gender without reference to the male/female binary.

been utilised by neoliberal politics, emphasising and celebrating increased diversity of identity within normative society, and thus distracting from the material reality of inequality and the fight for economic justice (Fraser, 2000, 2009). This is evident in the corporate nature of modern 'gay pride' events, which give primacy to advertising and partying, rather than reflecting the roots of pride as a protest against queerphobia. The existence of a rich elite, regardless of whether LGBT+ people may now be able to individually become one of them, relies on other people continuing to live in poverty- and a disproportionate amount of those in poverty are queer and otherwise marginalised (Hunter, McGovern and Sutherland, 2018). The most privileged subgroups of the LGBT+ community claim their new freedom to participate in neoliberal society, at the expense of more marginalised subgroups who experience heightened oppression and have minimal representation.

In a similar way, *transnormativity* (e.g. Johnson, 2016) can be recognised as a type of trans politics that identifies the acceptable trans person and allows them entry into some aspects of normative public life, through institutions that still rely on cisnormativity. The original 2004 Gender Recognition Act is one such institution, requiring the trans person to meet standards based on cisgender understandings of gender identification, including ideas of permanence and external evidence (Harris, 2012).

We can therefore understand opposition to Gender Recognition Act reform from some trans people, and some cisgender people who restrict their tolerance of trans people only to those they deem acceptable or 'trans enough', in the context of investment in discourses of transnormativity. The 'right way' to be trans within neoliberal cisgenderist society is the narrative of being 'born in the wrong body', of being assigned one binary gender and transitioning socially and medically to become someone who passes as a cisgender person of the other ('opposite') binary gender (Lovelock, 2017). Whilst it is not inherently problematic for individuals to personally identify with this particular narrative, it becomes so when this group are constructed as the respectable and the only legitimate trans people. This group may be happy with the original Gender Recognition Act, and its requirements for medical and social evidence of transition, as they invest in cisgenderist ideas of needing to 'prove' trans identity; they may actively support the use of these requirements to 'protect' the distinctiveness of the category of legitimate trans people (and thus their own identity), from those who do not meet transnormative standards such as experiencing body dysphoria or having a binary gender, and thus do not have this evidence.

The investment in homonormativity and transnormativity can be understood through distinctiveness threat, outlined above, as once individuals feel their own group has entered the category of normative, they can quickly begin to feel this threat to the distinctiveness and the resources of this category that they have only just been allowed to join. Thus, they resist attempts by other groups to join them, for example binary trans people refuting non-binary trans people's legitimacy.

This is complicated further by its association with the desire for assimilation, meaning integration into rather than deconstruction of social norms, and the cultural capital this brings. Homonormative or transnormative groups may feel that expanding their category to more marginalised groups threatens their own legitimacy in the eyes of dominant (cisgender heterosexual) society, and thus threatens the possibility

of achieving their own desire of assimilation. For example, some LGB people do not want the T to be included in the LGBT+ acronym, as they fear that it will make them less likely to be accepted by the mainstream (*Drop the T*, 2015; Robinson, 2012). In fact, post-gay homonormativity seems to *require* transphobia (and biphobia) in order to maintain the mainstream toleration of the most otherwise normative gay people (Lapointe, 2016; Mathers, Sumerau and Cragun, 2018), as described previously. Similarly, some binary trans people do not want to include non-binary in their category, as they feel it will make cisgender people take them less seriously and be less likely to accept them (*Truscum*, 2015; Vaid-Menon, 2015). As such, even trans people can deeply invest in binary genderism, and thus not acknowledge any gender beyond male and female as real or legitimate.

However for LGBT+ people, investing in transnormativity (and homonormativity) is ultimately self-defeating- because it leaves intact the cisnormative (and heteronormative) structures that contribute to anti-queer oppression, and even reifies them. Given that transnormativity suggests that the right way to be trans is essentially to be as close to cisgender as possible, to 'pass' as cisgender (Petersen, 2017), and certainly to aspire to do so, it becomes clear that the concept relies on transphobia. Whilst this continues to be the dominant discourse, being visibly trans will continue to compromise a person's safety and access to public spaces, with the remedy cited as changing oneself to appear more cisgender, rather than changing social attitudes and deconstructing norms.

We can see this in the limited acceptance given to the public figure Caitlyn Jenner, and the tolerance of her gender by the cisnormative mainstream being conditional on her reification of a cisgender-friendly stereotypical narrative of gender transition (Lovelock, 2017). Despite following a transnormative narrative, she has still been subjected to much public transphobia, including 'Caitlyn Jenner' Halloween costumes marketed at cisgender men. This transphobia remains because the underlying cisnormativity has not been challenged. In contrast, an alternative to the aim of assimilation for specific defined groups is demanding affirmation of all gender identities and transition narratives. To effectively challenge marginalisation, a better approach would be an ongoing critique of social norms, rather than the current practice of allowing groups entry into them individually and one at a time.

Conclusion

This article has established that there are both ideological and emotional factors interacting in the creation of widespread anti-trans sentiment in the UK surrounding potential GRA reform. Whilst religious objections to trans rights still occur, the mainstream opposition has centred predominantly around claims to feminist protection of (cisgender) women and girls, from the apparent threat of trans women. However, these claims either rely on non-intersectional interpretations of feminism that deny the reality of heterogeneous experiences of womanhood, and/or are simply used as a more palatable cover for traditional opposition to trans and wider LGBT+ rights.

The article has put forward an explanation for the broader influence of this opposition on the general public, suggesting firstly that an investment in gender determinism and oppositional sexism is created through life-long gendered socialisation. This produces a baseline of knowledge about gender that positions trans identities as unintelligible, and therefore the anti-trans moral panic propagated in the media in the last few years has easily been taken as fact, leading to transphobic sentiments that individuals believe are simply natural responses.

It is posited that trans people and identities are constructed in the public imagination primarily in terms of the threat they apparently pose to cisgender people. This includes threat to investment in gendered norms, threat to a person's own gender identity, and for women and other marginalised groups such as other LGBT+ people, threat to their own in-group resources and their potential assimilation into mainstream culture.

All of these factors together indicate that interventions designed to tackle transphobia likely need to consider both ideological and emotional components of responses to trans people in order to be effective. Future research could usefully explore comparisons of transphobia and its roots in different countries, so as to better identify important factors in different contexts, and thus inform situational interventions.

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